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AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for a new rule regarding the application
of the Act to marihuana.

IN THE SENATE OF THE UNITED STATES 115th Cong. 2d Sess.

AMENDMENT N^o 4123

By

Gardner

To read

To:

Amend. No. 4108

note
for

Refer

5
Page(s)

nd

GPO: 2016 22-945 (mac)

AMENDMENT intended to be proposed by Mr. GARDNER to
the amendment (No. 4108) proposed by Mr. GRASSLEY

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ . STRENGTHENING THE TENTH AMENDMENT**
- 3 **THROUGH ENTRUSTING STATES.**
- 4 (a) SHORT TITLE.—This section may be cited as the
- 5 “Strengthening the Tenth Amendment Through Entrust-
- 6 ing States Act” or the “STATES Act”.
- 7 (b) RULE REGARDING APPLICATION TO MARI-
- 8 HUANA.—
- 9 (1) IN GENERAL.—Part G of the Controlled
- 10 Substances Act (21 U.S.C. 801 et seq.) is amended
- 11 by adding at the end the following:

1 “RULE REGARDING APPLICATION TO MARIHUANA

2 “SEC. 710. (a) The provisions of this title as applied
3 to marihuana, other than the provisions described in sub-
4 section (c) and other than as provided in subsection (d),
5 shall not apply to any person acting in compliance with
6 State law relating to the manufacture, production, posses-
7 sion, distribution, dispensation, administration, or delivery
8 of marihuana.

9 “(b) The provisions of this title related to marihuana,
10 other than the provisions described in subsection (c) and
11 other than as provided in subsection (d), shall not apply
12 to any person acting in compliance with the law of a Fed-
13 erally recognized Indian tribe within its jurisdiction in In-
14 dian Country, as defined in section 1151 of title 18,
15 United States Code, related to the manufacture, produc-
16 tion, possession, distribution, dispensation, administra-
17 tion, or delivery of marihuana so long as such jurisdiction
18 is located within a state that permits, respectively, manu-
19 facture, production, possession, distribution, dispensation,
20 administration, or delivery of marihuana.

21 “(c) The provisions described in this subsection are—

22 “(1) section 401(a)(1), with respect to a viola-
23 tion of section 409 or 418;

24 “(2) section 409;

25 “(3) section 417; and

1 “(4) section 418.

2 “(d) Subsection (a) shall not apply to any person
3 who—

4 “(1) violates the Controlled Substances Act
5 with respect to any other controlled substance;

6 “(2) notwithstanding compliance with State or
7 tribal law, knowingly or intentionally manufactures,
8 produces, possesses, distributes, dispenses, admin-
9 isters, or delivers any other marihuana in violation
10 of the laws of the State or tribe in which such man-
11 ufacture, production, possession, distribution, dis-
12 pensation, administration, or delivery occurs; or

13 “(3) employs or hires any person under 18
14 years of age to manufacture, produce, distribute,
15 dispense, administer, or deliver marihuana.”.

16 (c) TRANSPORTATION SAFETY OFFENSES.—Section
17 409 of the Controlled Substances Act (21 U.S.C. 849) is
18 amended—

19 (1) in subsection (b), in the matter preceding
20 paragraph (1)—

21 (A) by striking “A person” and inserting
22 “Except as provided in subsection (d), a per-
23 son”; and

24 (B) by striking “subsection (b)” and in-
25 serting “subsection (c)”;

1 (2) in subsection (c), in the matter preceding
2 paragraph (1)—

3 (A) by striking “A person” and inserting
4 “Except as provided in subsection (d), a per-
5 son”; and

6 (B) by striking “subsection (a)” and in-
7 serting “subsection (b)”; and

8 (3) by adding at the end the following:

9 “(d) EXCEPTION.—Subsections (b) and (c) shall not
10 apply to any person who possesses, or possesses with in-
11 tent to distribute marihuana in compliance with section
12 710.”.

13 (d) DISTRIBUTION TO PERSONS UNDER AGE 21.—
14 Section 418 of the Controlled Substances Act (21 U.S.C.
15 859) is amended—

16 (1) in subsection (a), in the first sentence, by
17 inserting “and subsection (c) of this section” after
18 “section 419”;

19 (2) in subsection (b), in the first sentence, by
20 inserting “and subsection(c) of this section” after
21 “section 419”; and

22 (3) by adding at the end the following:

23 “(c) Subsections (a) and (b) shall not apply to any
24 person at least 18 years of age who distributes medicinal

1 marihuana to a person under 21 years of age in compli-
2 ance with section 710.”.

3 (e) RULE OF CONSTRUCTION.—

4 (1) IN GENERAL.—Conduct in compliance with
5 this section and the amendments made by this sec-
6 tion—

7 (A) shall not be unlawful;

8 (B) shall not constitute trafficking in a
9 controlled substance under section 401 of the
10 Controlled Substances Act (21 U.S.C. 841) or
11 any other provision of law; and

12 (C) shall not constitute the basis for for-
13 feiture of property under section 511 of the
14 Controlled Substances Act (21 U.S.C. 881) or
15 section 981 of title 18, United States Code.

16 (2) PROCEEDS.—The proceeds from any trans-
17 action in compliance with this section and the
18 amendments made by this section shall not be
19 deemed to be the proceeds of an unlawful trans-
20 action under section 1956 or 1957 of title 18,
21 United States Code, or any other provision of law.